

anybody discussed the bill before I got here, but alienation of affections is an old common law action. It does not exist because of statute. There is no statutory provision in Nebraska allowing this type of action. It was a judge-created form of action that was originated hundreds of years ago in England when a woman was viewed as property. Her husband had property rights in her. He had exclusive property rights to her body. And that was where the Criminal Conversation Act came in. That deals with illicit sexual intercourse. And since the husband owned the wife's body, he was entitled to bring a cause of action under a property writ, under common law, to recover damages for loss of this property, just as he would if somebody stole a cow, a pig, or a chicken. And one thing that shows how bad, I'm dealing with the criminal conversation aspect of it now because it is the easiest to get a handle on, the only defenses against such a charge, if it is brought, is that the spouse who is filing the complaint had to give consent, which is never going to happen or the case wouldn't be file, or that the statute of limitations has run. The erring spouse could have totally misrepresented her status of being married, and that is not a defense. She could have been the aggressor and enticed the man. That is not a defense. She could have been abused. That is not a defense. She could have been granted a divorce, but it hasn't become final. So during the six months, between the granting of the decree and its becoming final, if she does not remain celibate, then one of these causes of action can be filed. It is a terrible type of thing, and it ought not be allowed. The courts originally brought this kind of action into existence because of the mores existing hundreds of years ago in England, based on the concept of a woman as her husband's property. One of the favorite statements, under the common law, was that the bible says, these two shall be one flesh and the man is that one. So, in the same way that old colonialist policies of ancient England have been discredited and discarded, this concept of a woman as a volitionless object ought to be discarded too. We're talking about adults who are able to look out for their own interests. We should not have any cause of action allowed in the courts that encourages bounty hunting or mercenary use of the courts extorting money from people by means of a threat to besmirch and ruin their reputation, without having to prove that any of that which is alleged is true. So what Senator Haberman's amendment will do is set an effective date when all actions of this kind will no longer be allowed